

## REMARKS

The Office Action refers to *Election/Restrictions*.

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1, 2, 13-18, 70, drawn to a method of operating an entertainment automat, classified in class 463, subclass 9.
  - II. Claims 3-6 and 69, drawn to a method of providing a poker-type card game, classified in class 463, subclass 13.
  - III. Claims 7-9, 27-29 and 71-93, drawn to a progressive pool game, classified in class 463, subclass 27.
  - IV. Claims 24, 49 and 60-68, drawn to a system of networked entertainment machines, classified in class 463, subclass 1.
  - V. Claims 30-45 and 54, drawn to a method of operating networked entertainment automats, classified in class 463, subclass 42.

The Applicant selects group III to be prosecuted.

The requirement is respectfully traversed.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant elects the species (Fig. 7) under restricted group III. The claims 78 to 93 appear to fall under this species (Fig. 7). Claims 7 to 9, 27 to 29, 71, 73, and 75 appear to be generic. Claims 72, 74, 76 and 77 appear to belong to other species.

Applicant makes the election of species without traverse.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

*The Office Action refers to Remarks on Amendment.*

18. Applicant is advised that the currently presented claims 1-9,13-18, 27-45, 49, 54, 60-93 appear to fail to meet eligibility of statutory subject matter under 35 U.S.C. §101. In the interest of compact prosecution, applicant is advised to positively tie the method, i.e. program, to the system such as by reciting the processor or similar component of the device executing the program steps in the body of the claims.

The present amendment incorporates into the independent method claims the following language: "processing program steps in a processor;"

19. Applicant is advised of possible §112 1<sup>st</sup> paragraph rejection of claim 71, lines 13-14 which describe "a part of winning of each coin entertainment automat is filling a common jackpot". As best understood, this implies a portion of the winnings generated by the machine are provided to the jackpot rather than a portion of the wagers placed by the player are directed. Applicant is requested to either provide support in the specification as filed or correct this limitation. If applicant is using winnings to describe the wagering by applicant, is it request that applicant clarify to avoid confusion.

Applicant is now correcting the language of claim 71 based on the language of US Patent Application Publication US 2004/0226531 A1, in the middle of paragraph [0040].

20. Claim 77 describes subdividing a jackpot winning in the second line, applicant is requested to show support in the specification or remove the limitation.

Support for subdividing a jackpot winning in the second line of claim 77 can be found in the US Patent Application Publication US 2004/0226531 A1, at the beginning of paragraph [0053].

21. Applicant is also advised of possible §112 2<sup>nd</sup> paragraph rejections in the last line of claim 24; line 6 of claim 29; line 13 of claim 42; and the third to last line of claim 44.

Applicant is amending claims 24, 29, 42, and 44 to improve claim

language.

22. Applicant is requested to use proper idiomatic English in a clear and concise manner in any amendments to the claim so that the examiner may understand the substance of the instant application.

The undersigned has made an effort in wording the amendments with proper language.

Reconsideration of all outstanding rejections is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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